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CITY OF OAKLAND



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Office of the City Attorney
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January 24, 1989

HONORABLE CITY COUNCIL
Oakland, California

Re: Regulation of Group Households
in Single Family Neighborhoods

Mayor Wilson and Members of the City Council:

At the January 3, 1989, meeting of the City Council, staff was requested to examine and report on the issues involved in the regulation of group households. This report outlines the legal issues surrounding the regulation of existing group households and an approach to mitigating their impacts on the surrounding neighborhoods.

INTRODUCTION

Over the past year neighborhoods have expressed a growing concern over the practice of certain developers purchasing houses in single family neighborhoods and extensively remodeling these houses by adding five or six bedroom additions. Most often, these houses are then rented to large groups resulting in adverse impacts to the surrounding neighborhoods from increased noise and traffic congestion. Historically, cities have been able to control such rental activities in single family neighborhoods by enacting zoning regulations which prohibit large households of unrelated individuals from living in single family neighborhoods. However, in 1980, the California Supreme Court in City of Santa Barbara v. Adamson ((1980) 27 C. 3d 123.) prohibited cities from regulating group households in this manner.

SANTA BARBARA V. ADAMSON

In Adamson, the California Supreme Court was asked to rule on the validity of a provision of the City of Santa Barbara's zoning regulations which limited single family zones to dwellings occupied by families. The Santa Barbara zoning regulations defined a family as: (1) an individual of two or more persons related by blood, marriage or adoption living together as a single housekeeping unit or (2) a group of not to exceed five other

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persons living together as a single housekeeping unit. The City of Santa Barbara attempted to enforce its zoning regulations against a household owned by Beverly Adamson which contained twelve unrelated individuals and was located in a single family zone. Since the Adamson household was composed of twelve unrelated individuals, it did not meet the Santa Barbara definition of a family and, therefore, under the Santa Barbara zoning regulations, was prohibited from residing in a single family zone.

In analyzing the provisions of the regulation, the Supreme Court first examined the relationships of the individuals in the household, i.e. whether the individuals contributed to the support of the household, how long the group had been together, etc. The court determined that the relationships of the individuals indicated that Adamson household comprised a single housekeeping unit and therefore the household met one-half of the Santa Barbara definition of a family.

The Court then examined the second prong of the Santa Barbara definition which limited the number of unrelated individuals permitted to reside in a single family dwelling. The court held "... invalid the distinction effected by the ordinance between (1) an individual or two or more persons related by blood, marriage, or adoption, and (2) groups of more than five other persons." (Santa Barbara v. Adamson (1980) 27 C. 3d 123,134.) The Court acknowledged that zoning regulations may be instituted to preserve the residential character of a neighborhood by restricting transient and institutional uses such as hotels and boarding houses. However, the Court noted that " (a)s long as a group bears the 'generic character of a family unit as a relatively permanent household,' it should be equally as entitled to occupy a single family dwelling as its biologically related neighbors." (Id at p.134, emphasis added.)

In lieu of using zoning regulations to regulate the impact of group households on the surrounding neighborhoods, the Court suggested that other more specific means be used. The Court indicated that population density could be regulated by reference to floor area; noise could be abated through the enforcement of police power ordinances; and traffic and parking could be regulated by restrictions which apply evenly to all households.

In Adamson, the Court made it clear that a city may not regulate households based solely on whether the individuals in the household are related. Instead, the characteristics of the group living arrangement must be examined to determine whether a household bears the generic characteristics of a family. If the

The first section of the report discusses the background and purpose of the study. It outlines the research objectives and the scope of the investigation. The second section provides a detailed description of the methodology used in the study, including the data collection methods and the statistical analysis techniques. The third section presents the results of the study, showing the findings and the conclusions drawn from the data. The final section discusses the implications of the study and provides recommendations for future research.

The study was conducted in a systematic and rigorous manner, following the principles of scientific research. The data was collected from a representative sample of the population, and the analysis was performed using advanced statistical methods. The results of the study are presented in a clear and concise manner, allowing for a thorough understanding of the findings. The conclusions drawn from the study are based on the evidence presented in the results section, and they provide a solid foundation for the recommendations made in the final section.

The study has several strengths, including the use of a large and diverse sample, the application of rigorous statistical methods, and the thoroughness of the data analysis. However, there are also some limitations to the study, such as the potential for bias in the sample selection and the limited scope of the investigation. Despite these limitations, the study provides valuable insights into the research topic and contributes to the existing body of knowledge. The findings of the study are discussed in detail in the results section, and the implications of these findings are explored in the final section of the report.

The study was designed to explore the relationship between the variables of interest, and the results of the analysis confirm the hypothesized relationship. The findings of the study are consistent with the previous research in the field, and they provide a new perspective on the research topic. The study also identifies some areas for further research, and the recommendations provided in the final section of the report are based on the findings of the study.

In conclusion, the study provides a comprehensive overview of the research topic and offers valuable insights into the relationship between the variables of interest. The findings of the study are based on a rigorous and systematic analysis of the data, and they provide a solid foundation for the recommendations made in the final section of the report. The study also identifies some areas for further research, and the recommendations provided in the final section of the report are based on the findings of the study.

household bears those characteristics then it must be placed on an even footing with households composed of individuals who are related by blood, marriage, or adoption.

Oakland, like Santa Barbara, regulated group households in single family neighborhoods through its zoning regulations. With the holding of the Supreme Court in Adamson, Oakland must now look to alternative means to regulate the impacts of group households on the neighborhoods.

OAKLAND'S BUILDING CODE

The Building Code regulates the type of construction for a facility based on its use or intended use. Under the Building Code, a house may be categorized as a hotel based on the use of the facility. The Building Code defines "hotel" as:

" ...any building containing six or more guest rooms intended or designed to be used ... for sleeping purposes by guest." (Oakland Building Code Section 409. Emphasis added.)

Section 408 of the Building Code defines "guest room" as "...any room ... used or intended to be used by a guest for sleeping purposes." A "guest" is defined by Section 408 of the Building Code as " ... any person hiring or occupying a room for living or sleeping purposes."

Under the Building Code, a house may be categorized as a "hotel" when there are persons hiring six or more rooms designed or intended to be used for sleeping purposes. The distinction that makes a house a hotel is that the rooms are rented and not the entire house. To make this determination under the Building Code, it must be shown that there are six separately rented rooms in a house and that each renter is responsible for only his/her room and not for the rent or upkeep of the entire house.

Determining that a house is hotel under the Building Code is an evidentiary issue. A determination must be clearly supported by evidence which shows that there are separate rental arrangements by the persons in the households. Proof of separate rental arrangements can take many forms such as (1) rental receipts; (2) advertisements in the newspaper; (3) statements by the landlord and/or tenants of the household or (4) structural indications such as separate entrances or cooking facilities in the rooms. A method for avoiding this determination is for the landlord to require that all tenants sign a master lease which imposes on each tenant the

The first part of the report is a general introduction to the project. It describes the purpose of the study and the objectives that were set at the beginning of the project.

The second part of the report is a detailed description of the methodology used in the study. It includes information about the data collection methods, the sample size, and the statistical tests that were used to analyze the data.

RESULTS

The results of the study are presented in this section. It includes a summary of the findings and a discussion of the implications of the results. The results show that there is a significant difference between the two groups in terms of the variable being studied.

The first finding is that the mean score for the control group was significantly higher than the mean score for the experimental group. This suggests that the intervention had a negative effect on the outcome variable.

The second finding is that the standard deviation for the control group was significantly higher than the standard deviation for the experimental group. This suggests that the intervention had a stabilizing effect on the outcome variable.

The third finding is that the correlation coefficient between the two variables was significantly higher for the control group than for the experimental group. This suggests that the intervention had a weakening effect on the relationship between the two variables.

The fourth finding is that the regression coefficient for the control group was significantly higher than the regression coefficient for the experimental group. This suggests that the intervention had a negative effect on the slope of the regression line.

responsibility for the rent and upkeep of the entire house.

If a house is found to be a hotel under the Building Code, additional construction requirements may be imposed for the safety of the tenants. Perhaps more importantly, a designation of a hotel under the Building Code will also have impacts in the area of zoning.

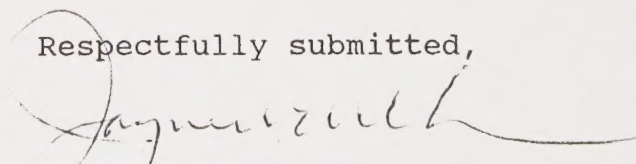
OAKLAND'S ZONING REGULATIONS

Under the City's Zoning Regulations, a rooming house, which is Zoning's parallel to a hotel, is prohibited in a single family zone. (Oakland Zoning Regulations Sections 3455 and 3555.) An application for a building permit which attempts to gain permission for the construction of a hotel/rooming house in a single family zone would be rejected by Zoning. Therefore, no construction would be allowed on any house in a single family zone which under the Building Code is determined to be a hotel. In addition, the operation of a hotel in a single family zone could be enjoined by the City.

CONCLUSION

The California Supreme Court in its holding in City of Santa Barbara v Adamson ((1980) 27 C. 3d 123.) has made it more difficult to regulate the impacts of group households on single family neighborhoods. Under the Building Code group households can be regulated to some extent if it can be shown that individuals are separately renting rooms and are not responsible for the rental of the entire house. This Office is ready to assist the Building Official in instances where allegation are made regarding the operation of hotels in single family zones. If a determination is made that a house is a hotel under the Building Code than this Office shall work with the Building Official and with the Planning Department to halt construction and/or cease the operation of a hotel in a single family zone.

Respectfully submitted,



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City Attorney

Attorney assigned:
THOMAS H. WEBBER

